

THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

KEY POINT MANAGEMENT, INC.,
AND GMY MANAGEMENT, INC.,

Plaintiffs,

v.

TRAVELERS CASUALTY INSURANCE
COMPANY OF AMERICA,

Defendant.

§
§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 3:17-CV-2565

DEFENDANT’S NOTICE OF REMOVAL

Defendant Travelers Casualty Insurance Company of America (“Travelers”) files this Notice of Removal under 28 U.S.C. § 1446(a) and states as follows:

I.
INTRODUCTION

1. Plaintiffs Key Point Management, Inc. and GMY Management, Inc. (collectively, “Plaintiffs”) commenced this lawsuit on August 28, 2017 by filing Plaintiffs’ Original Petition (“Petition”) in the 101st Judicial District Court of Dallas County, Texas – Cause No. DC-17-10853.

2. Plaintiffs’ Petition, which includes a jury demand, names Travelers as the only Defendant in this action.

3. Travelers was served with Plaintiffs’ Petition on August 30, 2017. Travelers thus files this Notice of Removal within the 30-day time period required by 28 U.S.C. § 1446(b).

II.
BASIS FOR REMOVAL

4. Venue is proper in this District under 28 U.S.C. § 1441(a) because the state court where the action is pending is located in this District.

5. Removal is proper under 28 U.S.C. § 1332(a) if there is complete diversity between the parties and the amount in controversy exceeds \$75,000, exclusive of interest, costs and attorneys' fees. These two conditions are satisfied in this matter.

A. Removal is Proper Because Complete Diversity of Citizenship Exists Between Plaintiffs and Travelers.

6. Plaintiff Key Point Management, Inc. was at the time this lawsuit was filed, and at the date of this Notice remains, a Texas corporation with its principal place of business in Arlington, Texas. Accordingly, Plaintiff Key Point Management, Inc. is a citizen of the state of Texas for purposes of diversity of citizenship.

7. Plaintiff GMY Management, Inc. was at the time this lawsuit was filed, and at the date of this Notice remains, a Texas corporation with its principal place of business in Arlington, Texas. Accordingly, Plaintiff GMY Management, Inc. is a citizen of the state of Texas for purposes of diversity of citizenship.

8. Defendant Travelers Casualty Insurance Company of America was at the time this lawsuit was filed, and at the date of this Notice remains, a Connecticut insurance company with its principal place of business in Connecticut. Travelers is thus a citizen of Connecticut for diversity jurisdiction purposes.

9. Because Plaintiffs are citizens of Texas and Travelers is a citizen of Connecticut, complete diversity of citizenship exists between Plaintiffs and Travelers (now and on the date Plaintiffs filed this lawsuit).

B. Removal is Proper Because Plaintiffs' Claimed Damages Exceed This Court's Jurisdictional Threshold of \$75,000.

10. If it is facially apparent that Plaintiffs' claims in this suit exceed \$75,000, exclusive of interest, costs, and attorney's fees, Travelers' burden to establish the amount in controversy exceeds this Court's jurisdictional threshold is satisfied.¹

11. Here, Plaintiffs' Petition states that Plaintiffs seek to recover more than \$200,000 in this lawsuit.² It is thus facially apparent that Plaintiffs' claims exceed this Court's jurisdictional threshold of \$75,000.

**III.
CONCLUSION**

12. Because there is complete diversity between the parties and the amount in controversy exceeds \$75,000 (excluding interest, costs, and attorneys' fees), removal of this action is proper under 28 U.S.C. § 1332(a).

13. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice will be filed with the clerk of the District Clerk of Dallas County, Texas after Travelers' filing of this Notice.

14. As required by 28 U.S.C. § 1446(a), and Local Rule 81.1, a copy of each of the following are attached to (or filed with) this Notice:

a. an index of all documents attached to (or filed with) this Notice that clearly identifies each such document and indicates the date the document was filed in state court (if applicable);

b. a copy of the docket sheet in the state court action;

¹ *Allen v. R&H Oil & Gas Co.*, 63 F.3d 1326, 1335 (5th Cir. 1999).

² *See* Plaintiffs' Petition at ¶5.

- c. each document filed in the state court action (as separate attachments arranged in chronological order according to state court filing date); and
- d. a separately signed certificate of interested persons that complies with Local Rule 3.1(c).

15. Pursuant to 28 U.S.C. § 1446(d), written notice of filing of this Notice will be given to all adverse parties promptly after the filing of this Notice.

WHEREFORE, Defendant Travelers Casualty Insurance Company of America requests that this action be removed from the 101st Judicial District Court of Dallas County, Texas, to the United States District Court for the Northern District of Texas, Dallas Division, and that this Court enter such further orders as may be necessary and appropriate.

Respectfully submitted,

By: /s/ James W. Holbrook, III

James W. Holbrook, III – LEAD ATTORNEY

Texas Bar No. 24032426

jholbrook@zelle.com

Jennifer L. Gibbs

Texas Bar No. 24050656

jgibbs@zelle.com

Walter W. Cardwell IV

wcardwell@zelle.com

Texas Bar No. 24094419

ZELLE LLP

901 Main Street, Suite 4000

Dallas, TX 75202-3975

Telephone: 214-742-3000

Facsimile: 214-760-8994

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Notice of Removal was served on all counsel of record on September 19, 2017, in accordance with the Federal Rules of Civil Procedure, as follows:

Shaun W. Hodge
shodge@hodgefirm.com
THE HODGE LAW FIRM, PLLC
Old Galveston Square Building
2211 Strand, Suite 302
Galveston, Texas 77550
Telephone: (409) 762-5000
Facsimile: (409) 763-2300
ATTORNEY FOR PLAINTIFFS

/s/ James W. Holbrook, III
James W. Holbrook, III